

HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WSOU INVESTMENTS LLC d/b/a BRAZOS  
LICENSING AND DEVELOPMENT, a  
Delaware limited liability company,

Plaintiff,

V.

F5 NETWORKS, INC., a Washington Corporation,

Defendant.

No. 2:20-cv-01878-BJR  
No. 2:21-cv-00124-BJR  
No. 2:21-cv-00125-BJR  
No. 2:21-cv-00126-BJR

## **JOINT MOTION TO MODIFY SCHEDULING ORDER**

Pursuant to LCR 16(b)(6), Plaintiff WSOU Investments LLC d/b/a Brazos Licensing and Development (“WSOU” or “Plaintiff”) and Defendant F5 Networks, Inc. (“F5” or “Defendant”) (collectively, “Parties”), by and through their undersigned counsel, hereby jointly move the Court to modify its April 26, 2021 Order on Motion to Modify Order Setting Trial Dates and Related Dates (No. 2:20-cv-01878-BJR, Dkt. 64; “Scheduling Order”), which sets forth the current case schedule for the above-captioned actions. The Parties’ requested modifications and good cause basis for these modifications are identified below.

## A. Basis for Proposed Modifications

Under the current Scheduling Order, fact discovery is scheduled to close in just four weeks, on January 6, 2021, right after the winter holidays. However, in light of the Parties' ongoing fact

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1 discovery disputes, the status of fact discovery, and the limited time remaining in the fact discovery  
2 period, the parties seek a 60-day extension of the close of fact discovery, as well as corresponding  
3 extensions of subsequent case deadlines. Document production is still ongoing and the parties still  
4 have a number of fact depositions to take.

5 Compounding these hurdles, the next four weeks include (i) the winter holidays, during  
6 which fact witnesses, outside counsel, and in-house counsel for both sides will have limited  
7 availability, and (ii) the *Markman* hearing on December 22, 2021, which will require significant  
8 time and attention from the Parties.

9 The Parties' proposed schedule modifications adjust the fact discovery period by 60 days  
10 (from January 6, 2022 to March 7, 2022), and provide proportional extensions of all subsequent  
11 case deadlines, including the trial date. There is good cause for these adjustments in light of the  
12 Parties' ongoing fact discovery disputes, the current status of fact discovery, and the limited time  
13 remaining for fact discovery, as summarized above.

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00125-BJR, 2:21-cv-00126-BJR)

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## **B. Proposed Revised Schedule**

The chart below identifies the Parties' proposed revisions to the case schedule to account for the issues identified above:

Event	LPR	Scheduling Order (Dkt. 64)	Joint Modification Proposal
Markman hearing	LPR 135 (as ordered by the Court)	December 22, 2021	No change
Discovery completed by [Close of Fact Discovery]		January 6, 2022	March 7, 2022
Reports from expert witnesses under FRCP 26(a)(2) due [Opening Expert Reports]		February 3, 2022	April 4, 2022
Rebuttal Expert Reports		March 3, 2022	May 2, 2022
Close of Expert Discovery		March 17, 2022	May 20, 2022
All dispositive and <i>Daubert</i> motions must be filed by		April 7, 2022	June 9, 2022
Oppositions to dispositive and <i>Daubert</i> motions		April 28, 2022	June 30, 2022
Replies in support of dispositive and <i>Daubert</i> motions		May 12, 2022	July 14, 2022
All motions <i>in limine</i> must be filed by		August 1, 2022	September 30, 2022
Joint Pretrial Statement		August 8, 2022	October 7, 2022
Oppositions to Motions in Limine (no replies authorized unless ordered otherwise by the Court)		August 15, 2022	October 14, 2022
Pretrial conference		August 22, 2022	October 31, 2022, subject to the Court's approval
Jury Trial (7 days)		August 29, 2022	November 7, 2022, subject to the Court's approval

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## C. Consolidated Case Schedule

The Parties also request confirmation that the Court's schedule applies to all four cases identified below. (*See* Dkt. 60, Part 5.C.)

	Case Caption	Patent-in-Suit	Accused Product
1	<i>WSOU Investments, LLC d/b/a Brazos Licensing and Development v. F5 Networks, Inc.</i> , Case No. 2:21-cv-01878-BJR	U.S. Patent No. 7,953,884	BIG-IP Policy Enforcement Manager
2	<i>WSOU Investments, LLC d/b/a Brazos Licensing and Development v. F5 Networks, Inc.</i> , Case No. 2:21-cv-00124-BJR	U.S. Patent No. 9,584,330	BIG-IP Policy Enforcement Manager
3	<i>WSOU Investments, LLC d/b/a Brazos Licensing and Development v. F5 Networks, Inc.</i> , Case No. 2:21-cv-00125-BJR	U.S. Patent No. 8,248,940	BIG-IP Policy Enforcement Manager
4	<i>WSOU Investments, LLC d/b/a Brazos Licensing and Development v. F5 Networks, Inc.</i> , Case No. 2:21-cv-00126-BJR	U.S. Patent No. 7,548,945	BIG-IP DNS

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1 DATED this 13<sup>th</sup> day of December, 2021.

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75 00125-BJR, 2:21-cv-00126-BJR)

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## ORDER

IT IS SO ORDERED.

DATED this 16th day of December, 2021.

Barbara J Rothstein

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HONORABLE BARBARA J. ROTHSTEIN

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2 **CERTIFICATE OF SERVICE**

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I hereby certify that on December 13, 2021, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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s/ *Christy A. Nelson*

Christy A. Nelson

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